



CITY OF MEMPHIS

COUNCIL AGENDA

July 6, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 22, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Memphis Catholic High's Education That Work's Program students who represented the City of Memphis in the Jefferson Awards National Competition.

Collins &
Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

2. RESOLUTION approving a use variance located on the northeast corner of Mississippi Boulevard and S. Parkway East, containing 0.50 acre in the C-N (Neighborhood Commercial) District.

Ford

Case No. UV 10-08

Applicant: St. Andrews AME Church
Rev. Dr. Kenneth Robinson – Representative

Request: Open air Farmers Market

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

113 NOTICES MAILED ON JUNE 25, 2010

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving the Fischer Steel Area Plan as an advisory document.
Ford Case No. PL 10-003

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

4. **ORDINANCE** rezoning the westward side of Jackson Ave., opposite and 140 ft.
southwestwardly from the intersection of Hemingway Ave., containing 0.227 acre in
the General Office (O-G) District, up for T H I R D and F I N A L reading.
Ford Case No. Z 10-105
Ordinance No. 5364

Applicant: Beatrice Jimenez
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

91 NOTICES MAILED ON JUNE 25, 2010



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

5. **ORDINANCE** establishing the Small Business Enterprise (SBE) Program with the goal of awarding at least 25% of City contracting and purchase order dollars to locally owned small businesses, up for S E C O N D reading.

Conrad

Ordinance No. 5366

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

6. **ORDINANCE** rezoning the west side of White Station Road; 255 feet north of Poplar Avenue, containing 0.679 acre in the General Office (O-G) District, up for F I R S T reading.

Ford

Case No. Z 10-106

Ordinance No. 5369

Applicant: Jack Erb Company
SR Consulting, LLC – Cindy Reaves – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** rezoning the southeast corner of Mariana Street and Midland Avenue, containing 0.50 acre in the Residential Duplex (R-D) District, up for F I R S T reading.

Ford

Case No. Z 10-104

Ordinance No. 5370

Applicant: Sarah Carver
Al Thompson, Attorney at Law and Israel Katz, CPA –
Representatives

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL

OPD recommendation: Hold for feasibility assessment

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** rezoning the northeast corner of the intersection of Getwell Road and New Willow Avenue, containing 0.62 acre in the Local Commercial (C-L) and Single Family Residential (R-S6) Districts, up for F I R S T reading.

Ford

Case No. Z 10-109
Ordinance No. 5371

Applicant: J. Wise Smith
Michael J. Fahy – Representative

Request: Rezone the northeast portion of the subject site from R-S6 (Single Family Residential) to C-L (Local Commercial)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** rezoning the south side of Poplar Avenue between N. Tucker Street and N. Rembert Street, containing 1.65 acres in the Multiple Dwelling Residential (R-MM) and Highway Commercial (C-H) Districts, up for F I R S T reading.

Ford

Case No. Z 10-107
Ordinance No. 5372

Applicant: Memphis College of Art

Request: College and University (CU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING

10. **JOINT ORDINANCE** repealing the Memphis and Shelby County Zoning Regulations adopted by the Shelby County Board of Commissioners on October 6, 1981 and by the Memphis City Council on October 7, 1981, being Joint Ordinance and Resolution No. 3064, as amended; repealing the Memphis and Shelby County Subdivision Regulations adopted by the Shelby County Board of Commissioners and the Memphis City Council on December 19, 1983, being Joint Ordinance and Resolution No. 3352, as amended; and adopting the Memphis and Shelby County Unified Development Code to establish joint zoning and subdivision regulations, to provide for a board of adjustment and a land use control board, and to provide for the enforcement and penalties for violation of the regulations, up for S E C O N D reading.

Ford &
Morrison

Case No. ZTA 09-001cc

Ordinance No. 5367

Applicant: Division of Planning and Development
Josh Whitehead, Assistant City Attorney – Representative

Request: Adopt the Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** rezoning the east bank of Mississippi River; extending southwardly from Incline Bayou, containing 10.54 acres in the Agricultural (AG) District, up for S E C O N D reading.

Ford

Case No. Z 10-108
Ordinance No. 5368

Applicant: SCF Real Estate, LLC & South of Fleet Street, LLC
Josh Lawhead (Burch, Porter & Johnson) & Harvey Marcom (The Reaves Firm – Representatives)

Request: Heavy Industrial (I-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

12. RESOLUTION accepting HIGHLAND POINT SUBDIVISION and authorizing release of bond.

Case No. S 04-042cc
(Contract No. CR-4941)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Huntington Oak Drive, south of U.S. Highway 64. The standard improvement contract was approved on May 17, 2005. Resolution also authorizes the release of the letter of credit totaling the amount of \$128,800.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of LIMERICK SUBDIVISION.

Case No. S 08-021

Resolution approves the final plat located on Prescott Road, south of Central Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

14. **NOTATIONS** from Land Use Control Board that the following cases were heard and Recommendation made requesting a date of public hearing:

A. Case No. PD 10-306

Located on the west side of Germantown Parkway; 225 feet south of Meadow Trail Drive, containing 1.96 acres in an area currently governed by the conditions of the Meadow Trail P.D., Phase 1, (P.D. 95-351), Plat Book 202, Page 25

Applicant: American Properties Co., GP
SR Consulting, LLC – Cindy Reaves – Representative

Request: A planned development amendment to permit three new commercial uses within the outline plan; restaurant with carry out (excluding drive thru), bakery and grocery with less than 5,000 square feet of area

LUCB and OPD recommendation: APPROVAL, with amended conditions

B. Case No. SAC 09-609

Located on the east side of Thomas Street, 118 feet south of Firestone Avenue, containing .13 acre

Applicant: Lovelace P. Gipson

Request: Close Guy Place Alley and a portion of Lyman Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. UV 10-07

Located on the southwest corner of Broad Avenue and Tillman Street, containing 1.11 acres in the Neighborhood Commercial (C-N) District

Applicant: Binghampton Development Corporation
Nathan Cook and Robert Montague – Representatives

Request: Farmers Market

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 20, 2010



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MLGW FISCAL CONSENT

15. RESOLUTION awarding Contract No. 11226, Collection Services, to Credit Bureau Collection Services, Inc. (CBCS), in the funded amount of \$462,352.50.
16. RESOLUTION awarding Contract No. 11444, Collection Services, to The Affiliated Group in the funded amount of \$462,352.50.
17. RESOLUTION awarding Contract No. 11402, Installation and Repair of Various Water Tanks, to Utility Services Company in the funded amount of \$55,000.00.
18. RESOLUTION awarding Contract No. 11432, Assessment of Gas Pipeline Integrity Management Plan, to Miller Consulting Services in the funded amount of \$147,704.23.
19. RESOLUTION approving Change No. 2 to Contract No. 11280, Aerial Patrol of Gas Transmission Right-of-Way, to Tennessee Helicopter Services, Inc. in the funded amount of \$20,075.00, for a new contract value of \$81,395.00. (This renews the contract for the second of four renewal terms, August 29, 2010 through August 28, 2011).
20. RESOLUTION approving 36-month contract for fiber optic ground wire to AFL Telecommunications c/o GHMR in the amount of \$287,900.00.



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REGULAR AGENDA

GENERAL ORDINANCE -THIRD AND FINAL READING

21. **ORDINANCE** regulating the Encroachment of Cable and Video Services in the City's Rights-of-Way, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5365

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

22. **RESOLUITION** amending the FY 2010 Operating Budget to accept grant funds in the amount of \$4,000.00 from Kroger, Inc., for the Office of Youth Services and Community Affairs' Annual Christmas Basket Giveaway.

Morrison

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES

23. RESOLUTION establishing a Downtown Task Force.
Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

24. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation of \$85,000.00 funded by G.O. Bonds – General (Storm Water) from Drainage – ST, Project Number ST03006 to Drain and HES Storage, Project Number ST04045, to design a storage building to protect equipment from exposure to the elements.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION transferring an allocation of \$317,004.00 funded by Sewer Revenue Bonds from Misc. Subdivision Outfalls, Project Number SW01001 to Highland Church/Christ SW Ext., Project Number SW01029 for a construction contract with B&C Construction. Resolution also appropriates \$317,004.00 funded by Sewer Revenue Bonds to Highland Church/Christ SW Ext., Project Number SW01029.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION amending the Fiscal Year 2010 Capital Improvement Budget by transferring an allocation of \$48,151.00 funded by G.O. Bonds General from ADA Curb Ramp, Project Number PW04007 Construction (\$45,808.00) and Architecture and Engineering (\$2,343.00), to ADA Curb Ramp Group 36, Project Number PW04068 in Construction to complete work on an existing contract. Resolution also appropriates \$48,151.00 funded by G.O. Bonds General in ADA Curb Ramp Group 36, Project Number PW04068.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

27. RESOLUTION ratifying six-month extension of contract through December 30, 2010, with Konica Minolta Business Solutions U.S.A., Inc. d/b/a Danka in the amount of \$123,840.00.

MLGW

Consent

28. RESOLUTION revising the Tuition Reimbursement Program amending the funding level given to employees for fiscal year 2011 from \$5,000.00 per employee up to \$1,400.00 per employee currently enrolled in the program.

Strickland

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY THE COUNCIL ON THIS DATE

- 1. Through 13 – Approved
- 14. Public Hearing Set for July 20, 2010
- 15. Through 20 – Approved
- 21. Held until August 10, 2010
- 22. Through 27 – Approved
- 28. Failed

ACTION TAKEN ON THE MINUTES OF JUNE 22, 2010 MEETING

Approved, as amended

ACTION TAKEN ON THE MINUTES OF ITEMS #2 & #27 FROM TONIGHT'S MEETING

Approved